



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

cc: Russ Hart, RPM  
SF Div.  
(SR-65)

MAR 17 2003

EPA Region 5 Records Ctr.



298496

REPLY TO THE ATTENTION OF

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Glen W. Ekberg

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RE: Southeast Rockford Groundwater Contamination Superfund Site  
Source Area 7 Portion Owned by Mr. Glen W. Ekberg - CERCLA  
Lien Notice

Dear Mr. Ekberg:

This letter informs you that the United States Environmental Protection Agency ("EPA") intends to perfect a lien upon property located at Source Area 7 of the Southeast Rockford Groundwater Contamination Superfund Site, the exact legal description of which is contained in Attachment 1 to this letter. The property is part of the Southeast Rockford Groundwater Contamination Superfund Site, an area approximately three miles long by two and one-half miles wide bounded (roughly) by Mulford Road to the east, Broadway to the north, the Rock River to the west and Sandy Hollow Road to the south. EPA has determined that you are the owner of a major portion of the Source Area 7 property (the "Property"). The lien which EPA intends to perfect against the Property arises under Section 107(1) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), commonly known as the "Superfund," 42 U.S.C. § 9607(1). The lien is intended to secure payment to the United States of costs and damages for which you, as the owner of the Property, would be liable to the United States under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

Under CERCLA Sections 107(a) and 101(9), 42 U.S.C. §§ 9607(a) and 9701(9), liable persons include persons who own any "facility," including a site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located. EPA has determined that a release or threat of release of hazardous substances pursuant to CERCLA Section 101(22) has occurred at or from the Property. The Property is part of the Southeast Rockford Groundwater

Contamination Superfund Site (Source Area 7), at which industrial solvents, including but not limited to 1,1,1-trichloroethane (TCA), trichloroethylene (TCE), perchloroethylene (PCE), and xylene came to be located, and is subject to or affected by a removal or remedial action. As the owner of the Property, you are a person liable for all costs of removal or remedial action at the Source Area 7 portion of the site. Costs and damages include the costs incurred by the United States in responding to a release or threat of release at "Source Area 7" of the Southeast Rockford Groundwater Contamination Superfund Site.

The lien arising in favor of the United States on the Property continues until the liability for the costs is satisfied or until the liability for the costs becomes unenforceable through operation of the statute of limitations in CERCLA Section 113.

On or before September 1998, you were notified by certified or registered mail of your potential liability under CERCLA. You may avoid the perfection of a lien upon your property by paying all costs and damages for which you are liable.

EPA has assembled a Lien Filing Record consisting of documents relating to its decision to perfect the lien. This record is kept at the following address, and may be reviewed and copied at reasonable times by arrangement with:

Tom Turner, Assoc. Regional Counsel (C-14J)  
U.S. EPA, ORC, Region 5, 77 W. Jackson Blvd.  
Chicago, IL 60604 telephone: 312/886-6613

EPA has reviewed the information in the Lien Filing Record and believes that the Agency has a reasonable basis to believe that the statutory elements for perfecting a lien are satisfied. After 14 calendar days from the date of this letter, EPA intends to transmit a notice of lien to Office of the Recorder of Deeds for Winnebago County, Illinois, as designated by State law, where the real property is located, or with the District Court of the United States for the district in which the real property is located. The effect of this filing is to perfect the lien upon your property.

You may notify EPA within 14 calendar days from the date of mailing of this letter in writing if you believe EPA's information or determination is in error. You may also request to appear before a neutral EPA official to present any information that you have indicating that EPA does not have a reasonable basis to perfect a lien. You should describe in your

letter or written request your reasons for believing that EPA does not have a reasonable basis to perfect its lien, because EPA may, as described below, agree with your reasons and reconsider its intention to perfect a lien without further review or a meeting. Any written submissions or requests for a meeting should reference the Superfund Site, be addressed to the above referenced Regional Attorney, and may include documents or information which support your contentions.

If EPA receives a written submission or a request for a meeting from you within 14 calendar days from the date of mailing of this letter, Agency staff will review your submission or request for a meeting. If, after review and consultation, EPA agrees that the Agency does not have a reasonable basis upon which to perfect a lien, EPA will not perfect its lien, and will so notify you. If EPA disagrees, the written submission or request will be referred to a neutral EPA official selected for the purpose of reviewing the submission or for conducting the meeting, along with the Lien Filing Record.

If you have requested an opportunity to appear, a meeting will be scheduled. You may choose to attend this meeting via teleconference. The Agency will be represented by its enforcement staff, including a representative from the Office of Regional Counsel. A representative of U.S. DOJ will also attend. You may be represented by counsel at this meeting.

The meeting will be an informal hearing in which you may provide EPA with information as to why the Agency's assumptions require reconsideration. The meeting will not be conducted using rules of evidence or formal administrative or judicial procedures. The sole issue at the meeting would be whether EPA has a reasonable basis to perfect a lien based upon CERCLA Section 107(1).

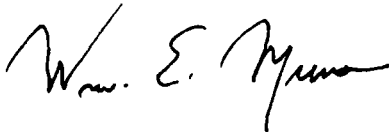
After reviewing your written submissions, or conducting a meeting, if one is requested, the neutral EPA official will issue a recommended decision based on the Lien Filing Record. The recommended decision will state whether EPA has a reasonable basis to perfect the lien and will be forwarded to the Agency official delegated to execute liens for action. You will be notified of the Agency's action (whether perfection or the decision not to perfect) and furnished a copy of the recommended decision.

Neither you nor EPA waives or is prohibited from asserting any claims or defenses in any subsequent legal or administrative proceeding by the submission of information, a request for and

participation at a meeting, or recommended decision by the neutral EPA official that EPA has a reasonable basis to perfect a lien.

If you have any questions pertaining to this letter, please contact Tom Turner at 312/886-6613.

Sincerely yours,

A handwritten signature in black ink, appearing to read "W. E. Muno". The signature is fluid and cursive, with the first name "W." and last name "Muno" clearly visible.

William E. Muno  
Director, Superfund Division

Attachment

Mailing List - CERCLA Lien Notification

No current attorney of record.

cc: Frank Biros, Esq.  
U.S. DOJ  
Washington, DC

**ATTACHMENT 1**

The legal description of the Southeast Rockford Groundwater Contamination Superfund Site Source Area 7 Portion Owned by Mr. Glen W. Ekberg

That part of the Northwest 1/4 of Section 5 in Township 43 North, Range 2 East of the Third Principal Meridian. Winnebago County, Illinois, lying Southerly of the Illinois Central Railroad right of way; excepting highways.

Also part of the East Half (1/2) of the South West Quarter (1/4) of said Section Five (5), Township and Range aforesaid, described as follows, to wit: Beginning at the North East corner of said quarter (1/4) section; thence, South, along the East line of said quarter (1/4) section, twenty-two (22) rods; thence West, parallel with the North line of said quarter (1/4) section to the West line of the East Half (1/2) of the South West Quarter (1/4) of said Section Five (5); thence North along said West line, twenty-two (22) rods to the North line of said quarter (1/4) section; thence East along said North line to the place of beginning; excepting from the last described tract a lane two (2) rods in width across the North side thereof, as same is described in Warranty Deed from Adelia Barnum et al to Daniel H. Barnum, dated April 1, 1871 and recorded in Book 89 of Deeds, page 496 in said Recorder's Office; excepting the rights granted to Central Illinois Electric and Gas Co., by instrument dated April 25, 1951 and recorded in Book 767 of Recorder's Records, page 16 in said Recorder's Office.

and also,

The North 2 rods of the Northeast Quarter of the Southwest Quarter of Section 5, Township 43 North, Range 2 East of the Third Principal Meridian, excepting therefrom that part thereof conveyed to the State of Illinois, for the use of the Department of Public Works and Buildings by Warranty Deed dated July 29, 1963 and recorded August 16, 1963 in Book 1406 on Page 61, in Winnebago County, Illinois.

The North Half (1/2) of the West Half (1/2) of the South West Quarter (1/4) of Section Five (5), Township Forty-three (43) North, Range Two (2) East of the Third (3<sup>rd</sup>) Principal Meridian, excepting the rights of the Central Illinois Electric and Gas Co., over said premises as described in instrument dated April 19, 1951 and recorded in Book 767 of Recorder's Records on page 18 in the Recorder's Office of Winnebago County, Illinois.

Also the East thirty-three (33) feet in width of the South half ( $\frac{1}{2}$ ) of the West Half ( $\frac{1}{2}$ ) of the South West Quarter ( $\frac{1}{4}$ ) of said Section Five (5), township and range aforesaid; excepting the South three hundred (300) feet thereof conveyed by Harry W. Littlejohn and Myrtle I. Littlejohn, his wife, to Union Grange No. S11 by Warranty Deed dated April 16, 1949 and recorded in Book 655 of Recorder's Records on page 458 in said Recorder's Office. Also part of the West Half ( $\frac{1}{2}$ ) of the South West Quarter ( $\frac{1}{4}$ ) of said Section Five (5), township and range aforesaid bounded and described as follows, to wit; Beginning at a point in the North line of Sandy Hollow Road two hundred (200) feet West of the East line of said eighty (80) acre tract, and thirty-three (33) feet North of the South line of said section; thence North, parallel with the East line of the West Half ( $\frac{1}{2}$ ) of the South West Quarter ( $\frac{1}{4}$ ) of said section two hundred sixty-seven (267) feet; thence East, parallel with the South line of said section, one hundred sixty-seven (167) feet; thence North parallel with the East line of the West Half ( $\frac{1}{2}$ ) of the South West Quarter ( $\frac{1}{4}$ ) of said section, thirty-three (33) feet; thence West, parallel with the South line of said section, two hundred (200) feet; thence South parallel with the East line of the West half ( $\frac{1}{2}$ ) of the South West Quarter ( $\frac{1}{4}$ ) of said section three hundred (300) feet to the North line of Sandy Hollow Road, thence East along said North line thirty-three (33) feet to the place of Beginning.

but **not to be** included in the lien;

Rockford Park District Foundation f/k/a Rockland Park Foundation

Part of the Southwest Quarter ( $\frac{1}{4}$ ) of Section Five (5), Township Forty-three (43) North, Range Two (2) East of the Third (3<sup>rd</sup>) Principal Meridian, bounded and described as follows, to-wit: Beginning at a point in the North line of the Southwest Quarter of said Section which bears North  $89^{\circ}-02'-15''$  East, 274.61 feet from the Northwest corner of the Southwest Quarter of said Section; thence North  $89^{\circ}-02'-15''$  East along the North line of the Southwest Quarter of said Section, 375.06 feet; thence South  $00^{\circ}-17'-10''$  East, parallel with the East line of the West Half of the Southwest Quarter of said Section, 526.28 feet; thence Northwesterly along a circular curve to the right whose radius is 403.79 feet and whose center lies to the North, to a point; (the chord across the last described circular curve course bears North  $59^{\circ}-15'-26''$  West, 356.17 feet) thence North westerly along a circular curve to the left whose radius is 403.79 feet and whose center lies to the Southwest, to a point; (the chord across the last described circular curve course bears North  $48^{\circ}-46'-24''$  West, 218.34 feet) thence North  $25^{\circ}-32'-25''$  East, 215.02 feet to the point of beginning. Containing 4.00 acres. Situated in

Winnebago County, Illinois. And,

Part of the Southwest Quarter (1/4) of Section Five (5), Township Forty-three (43) North, Range Two (2) East of the Third (3<sup>rd</sup>) Principal Meridian, bounded and described as follows, to-wit; Beginning at a point in the North line of the Southwest Quarter of said Section which bears North 89°-02'-15" East, 549.67 feet from the Northwest corner of the Southwest Quarter of said Section; thence South 00°-17'-10" East, parallel with the East line of the West Half of the Southwest Quarter of said Section, 526.28 feet; thence Easterly along a circular curve to the left whose radius is 403.79 feet and whose center lies to the North, to a point; (the chord across the last described circular curve course bears South 88°-12'-09" East, 39.10 feet) thence North 89°-01'-20" East, parallel with the North line of O'Connell Street as designated on the Plat of Canterbury Green Subdivision, the plat of which Subdivision is recorded in Book 35 of Plats on page 153 in the Recorder's Office of Winnebago County, Illinois, 208.42 feet; thence North 00°-17'-10" West, parallel with the East line of the West Half of the Southwest Quarter of said Section, 528.11 feet to the North line of the Southwest Quarter of said Section; thence South 89°-02'-15" West along the north line of the Southwest Quarter of said Section, 247.50 feet to the point of beginning. Containing 3.00 acres. Situated in Winnebago County, Illinois.